

SEALED DOCUMENT

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2005 DEC -6 P 3:30

UNITED STATES OF AMERICA,

Plaintiff,

v.

Land and Buildings Located at 56 Hobbs Road,
Pelham, New Hampshire, with all Appurtenances and
Improvements Thereon, owned by Agustin Manrique

Defendant-in-Rem.

Civil No. 05-241-JM

STIPULATION AND AGREEMENT FOR ENTRY OF JUDGMENT PURSUANT TO LOC.R. 41.1

On July 1, 2005, the United States commenced an action by Verified Complaint for Forfeiture in Rem, seeking the forfeiture of the defendant in rem real property pursuant to 21 U.S.C. § 881(a)(7). The Verified Complaint alleged that the defendant in rem real property was used or intended to be used, to commit, and to facilitate the commission of, the unlawful storage and distribution of controlled substances in violation of Title II of the Controlled Substances Act, 21 U.S.C. 801 et seq., and was subject to forfeiture under 21 U.S.C. § 881(a)(6) and (7).

Agustin Manrique, the owner of the defendant in rem, was served on October 28, 2005. Mr. Manrique's deadline for filing a verified claim was November 28, 2005. Mr. Manrique has never filed a claim to the defendant in rem property.

Mortgage Electronic Registrations Systems, Inc. ("MERS") was served on October 14, 2005, and filed a Verified Claim on December 5, 2005. MERS filed an answer to the complaint on December 27, 2005..

Other than MERS., no person or entity has filed a claim with respect to the defendant in rem property. All other persons and parties are, therefore, in default.

The United States represents that it established in the Verified Complaint probable cause to believe that the defendant in rem real property was used or intended to be used, to commit, and to facilitate the commission of, the unlawful storage and distribution of controlled substances in violation of Title II of the Controlled Substances Act, 21 U.S.C. 801 et seq.

IT IS STIPULATED AND AGREED, by and between the plaintiff United States of America, and claimant MERS, through its attorney, Charles Gallagher, Esq., as follows:

1. That the defendant in rem real property be released to the lien holder, MERS, for disposition pursuant to the terms of the Mortgage executed by Agustin Manrique on February 27, 2004, and that, at the request of the United States, MERS shall render a full accounting regarding any sale. MERS further agrees to waive any right to collect attorney's fees from the United States due to this forfeiture action;

2. That any remaining net proceeds after a foreclosure sale is conducted, and after any liens of record are satisfied, will substituted as the res for the defendant in rem, 56 Hobbs Road, Pelham, New Hampshire, and shall be returned to the United States of America by check payable to the "United States Immigration and Customs Enforcement;"

3. The proceeds, if any, shall be immediately forfeited to the United States, and shall be remitted to the custody and control of National Finance Center of the United States Immigration and Customs Enforcement, Department of Homeland Security, and for disposition in accordance with applicable law and regulations.

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. That the defendant in rem real property be released to the lien holder, MERS., to conduct and/or conclude a foreclosure sale pursuant to the terms of the Mortgage executed by Agustin Manrique on February 27, 2004, and that, at the request of the United States, MERS, shall render a full accounting regarding the foreclosure sale.

2. That any remaining proceeds after the foreclosure sale is conducted are hereby substituted as the res for the defendant in rem, Land and Buildings Located at 56 Hobbs Road, Pelham, New Hampshire, with all Appurtenances and Improvements Thereon, Agustin Manrique, and all right, title and interest in the substitute res shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6) and (7), free from the claims of any other party, shall be deposited into the Department of Treasury Assets Forfeiture Fund in accordance with Title 31, United States Code, Section 9703(a).

THOMAS P. COLANTUONO
United States Attorney

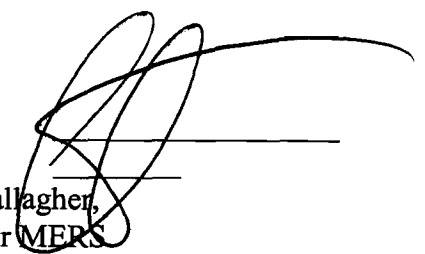
Dated: ~~November~~ ^{December} 9, 2006

By: Robert J. Rabuck
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Dated: November ^U 9, 2006

By: 
Authorized Representative
MERS.

Dated: November ,2006



Charles Gallagher,
Counsel for MERS

So Ordered:

/s/ James R. Muirhead

United States Magistrate Judge

Date: 12/07/2006